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**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

**Re: WC Docket Nos. 05-261 and 04-313 and CC Docket No. 01-338**

Dear Ms. Dortch:

This letter responds to the November 8, 2006 *ex parte* letter submitted by Ross Buntrock on behalf of Fones4All Corporation. Mr. Buntrock's letter mischaracterizes the decision of Administrative Law Judge Karen Jones and contains additional incorrect and misleading information regarding the motion that AT&T California ("AT&T") filed to compel compliance with the March 11, 2006 date for termination of UNE-P arrangements, as required by the Commission's *Triennial Review Remand Order* ("TRRO").

First, AT&T filed its Emergency Motion to Compel for the simple reason that a number of carriers, which collectively represented a relatively small fraction of the more than 1.25 million UNE-P lines in the state, had not yet submitted orders that would enable AT&T to convert their UNE-P lines to alternative arrangements by March 11. Thus, contrary to Mr. Buntrock's statement (at 1-2), AT&T did *not* "fail[] to successfully convert . . . the 100,000 lines that gave rise to its [motion]." Rather, A&T had already converted well over 1 million of the UNE-P lines to an alternate arrangement, but the carriers identified in AT&T's motion had not yet authorized AT&T to convert their UNE-P arrangements by the Commission's deadline. Thus, contrary to Mr. Buntrock's claim, AT&T's motion was not at all focused on its "batch hot-cut capabilities," *id.* at 2; instead, the motion was an effort to make sure that all CLECs were aware of the Commission's March 11 deadline and that they complied with that deadline by submitting timely orders for UNE-P conversions.

Second, the letter's characterization (at 1) of AT&T's opposition to Fones4All's waiver petition as a "litany of 'Who Shot John' excuses" carefully avoids the main point of AT&T's response. Fones4All sought to implement a transfer from UNE-P to UNE-L arrangements.<sup>1</sup> However, it did not even begin its participation in the conversion process until very late in the

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<sup>1</sup> See Declaration of Cheryl Labat ¶ 3.

game – more than seven months after the *TRRO* was issued.<sup>2</sup> Moreover, the letter (and Fones4All's petition) ignore that AT&T was in fact very responsive to Fones4All's often belated requests and that many of the "delays" that Fones4All cites were the result of its own inactions or mistakes, *not* any problems with AT&T's batch hot cut processes.<sup>3</sup> Thus, there is no basis for Mr. Buntrock's assertion (at 1) that AT&T "fail[ed] to implement a workable batch cut process in California."

Third, the letter's reference (at 2) to ALJ Jones' recent order quotes the order completely out of context. The letter merely recites from the portion of the order that summarizes the CLECs' *claims*. It does not quote from the ALJ's *decision*, which was merely the following: "This is not a complaint case, and it is not my intention to determine where the fault lies. However, after reviewing SBC's motion and the CLECs' responses, I find it unlikely that the fault is all on the CLECs' side." (Order at 4) Thus, the ALJ's order makes no findings at all as to any of the specific factual issues Fones4All raised, and, as AT&T's opposition here showed, those claims are totally unsupported.<sup>4</sup>

Finally, AT&T wishes to emphasize, contrary to the letter's suggestion (at 2), that it will continue to work with all CLECs in California to complete the conversion process as soon as possible. It has been and continues to be AT&T's goal to assure that the conversion process occurs without any significant customer disruption.

Sincerely,

/s/ Jim Lamoureux  
Senior Counsel  
AT&T Services, Inc.

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<sup>2</sup> *Id.* ¶ 4.

<sup>3</sup> *Id.* ¶¶ 5-9.

<sup>4</sup> It should also be noted that the ALJ declined to receive a reply to Fones4All's claims as described in the declaration of Tiffany Chesnosky. In contrast, AT&T's specific responses to those assertions were provided in the Labat Declaration here.